

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Bonni L. Smiley**  
**fka Bonni L. Mackin, fka Bonni L. Timms**  
Debtor(s)

Bankruptcy Case No.: 16-24331-CMB  
Issued Per June 8, 2017 Proceeding  
Chapter: 13  
Docket No.: 25 – 5, 19  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 18, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: First National Bank at Claim No. 2; City of Pittsburgh School District and Boro of Mt. Oliver at Claim No. 4; County of Allegheny at Claim No. 5; JPMorgan Chase Bank at Claim No. 7 .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: June 14, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Bonni L. Smiley  
 Debtor

Case No. 16-24331-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

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 Total Noticed: 29

Date Rcvd: Jun 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 16, 2017.

db +Bonni L. Smiley, 310 Onyx Street, Pittsburgh, PA 15210-2328  
 cr +Borough of Mt. Oliver and City of Pittsburgh, Goehring, Rutter, and Boehm,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,  
 UNITED STATES 15219-6101  
 cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,  
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101  
 14325076 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)  
 14381783 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 14325077 +Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803  
 14362023 +Borough of Mt. Oliver and City of Pittsburgh SD, Goehring, Rutter & Boehm,  
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,  
 Pittsburgh, PA 15219-6101  
 14325078 +Chase Card, PO Box 15298, Wilmington, DE 19850-5298  
 14325080 +Citizen's Bank, 1 Citizen's Drive, Riverside, RI 02915-3000  
 14362059 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
 14325082 +Damian Herrera, 245 Kirk Avenue, Pittsburgh, PA 15227-2211  
 14371625 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 14325084 +First National Bank, 4140 East State Street, Hermitage, PA 16148-3401  
 14325085 +JP Morgan Chase Bank, 8100 Nations Way, Jacksonville, FL 32256-4405  
 14373886 +JPMorgan Chase Bank, National Association, Chase Records Center, Attn: Correspondence Mail,  
 Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774  
 14325088 +Macy's, PO Box 8218, Mason, OH 45040-8218  
 14325089 +THD/CBNA, PO Box 15298, Wilmington, DE 19850-5298

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14325074 E-mail/PDF: gecsed@recoverycorp.com Jun 15 2017 00:31:26 Amazon/Synchrony Bank,  
 PO Box 965015, Orlando, FL 32896-0013  
 14325075 +E-mail/Text: bk@avant.com Jun 15 2017 00:39:52 Avant Inc., 640 LaSalle Street,  
 Suite 535, Chicago, IL 60654-3731  
 14325081 +E-mail/Text: hariasdiaz@creditmanagementcompany.com Jun 15 2017 00:39:47 Credit Management,  
 2121 Noblestown Road, Pittsburgh, PA 15205-3956  
 14327662 E-mail/Text: mrdiscen@discover.com Jun 15 2017 00:38:39 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14325083 +E-mail/Text: mrdiscen@discover.com Jun 15 2017 00:38:39 Discover Financial Services, LLC,  
 P.O. Box 15316, Wilmington, DE 19850-5316  
 14385574 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Jun 15 2017 00:40:09 Duquesne Light Company,  
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,  
 Pittsburgh, PA 15219-1945  
 14379894 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Jun 15 2017 00:39:40 Jefferson Capital Systems LLC,  
 Po Box 7999, Saint Cloud Mn 56302-9617  
 14381784 E-mail/PDF: resurgentbknofications@resurgent.com Jun 15 2017 00:31:29 LVNV Funding LLC,  
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14382065 E-mail/PDF: resurgentbknofications@resurgent.com Jun 15 2017 00:31:29  
 LVNV Funding, LLC its successors and assigns as, assignee of LendingClub Corporation &  
 LC Trust I, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14384842 E-mail/PDF: resurgentbknofications@resurgent.com Jun 15 2017 00:31:43  
 LVNV Funding, LLC its successors and assigns as, assignee of Banco Popular North America,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14325086 +E-mail/Text: bk@lendingclub.com Jun 15 2017 00:39:49 Lending Club,  
 71 Stevenson, Suite 300, San Francisco, CA 94105-2985  
 14381878 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 15 2017 00:54:10  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Duquesne Light Company  
 cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
 14325079\* +Chase Card, P.O. Box 15298, Wilmington, DE 19850-5298  
 14325087\* +Lending Club, 71 Stevenson, Suite 300, San Francisco, CA 94105-2985

TOTALS: 2, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

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Form ID: 149

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Total Noticed: 29

Date Rcvd: Jun 14, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 16, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 14, 2017 at the address(es) listed below:

Christopher M. Frye on behalf of Debtor Bonni L. Smiley chris.frye@steidl-steinberg.com,  
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo  
ga@steidl-steinberg.com;r53037@notify.bestcase.com  
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor Borough of Mt. Oliver and City of Pittsburgh  
jhunt@grblaw.com, cnoroski@grblaw.com  
Matthew John McClelland on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.court  
rive.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7